

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

October 4, 1973
10:00 A.M.

COUNCIL CHAMBER, CITY HALL

The meeting was called to order with Mayor Pro Tem Love presiding.

Roll Call:

Present: Councilmen Dryden, Binder, Mayor Pro Tem Love,
Councilmen Lebermann, Friedman

Absent: Councilman Handcox, Mayor Butler

The Invocation was delivered by REVEREND CLIFFORD ZIRKEL, JR., Tarrytown Methodist Church.

RESTAURANT MONTH

Mayor Butler proclaimed October, 1973, as "Restaurant Month" in Austin, citing the food service industry as a vital part of the economy, its having grown to the largest retail industry in Texas and the State's No. 1 employer, thus contributing much to the general economic welfare of the economy. The Texas Restaurant Association invited all to join in the observance of RESTAURANT MONTH during October.

FIRE PREVENTION WEEK

Councilman Binder read the proclamation which cited that Fire Prevention Day was originated by the Fire Marshall's Association of North America in 1911 to encourage public interest in fire safety and extended to a week in 1922 with the Austin Fire Department taking the lead in teaching the practices of fire prevention to stop fires before they start. Mayor Butler proclaimed the week of October 7-13 as FIRE PREVENTION WEEK in Austin urging all citizens to practice fire safety everyday in the year. Fire Chief Kirkham and Mr. Leland Priest received the proclamation.

RECOGNITION OF CHRISTOPHER RAY

Councilman Dryden read the resolution recognizing Christopher Ray, 17 years of age, having been afflicted since the age of four, had spent his boyhood with a

spine bent 60° but spending 13 years opposing his fate on its own terms, pushing himself beyond the limits of his handicap, and after many hours of exercise to build his strength enough to sustain surgery, went through a successful operation. The Council adopted a Resolution that the tireless, lonely battle of a boy to stand tall shall not go unnoticed, that the self-sacrifice and the self-discipline that drove Christopher Ray to endure his physical limitations yet at the same time to gain his education, even though he could do so only at home without benefit of his normal peer group, should be an example for all men.

RECOGNITION OF A SENIOR FROM ANDERSON HIGH SCHOOL

Mayor Pro Tem Love introduced a special guest this morning, Jennie Gore, a Senior at Anderson High School, daughter of Mr. Al Gore.

HEARING POSTPONED

At 10:00 A.M. Mayor Pro Tem Love opened the hearing on the following amendment to the Austin Development Plan:

An area of approximately 65 acres requested by Mr. Aaron Kruger for a change in land use designation from Low Density Residential to Commercial Services and Semi-Industrial Uses - located at the northwest intersection of Springdale Road and U.S. Highway 290 (east). File No. C2-73-1(i).

Mr. Martin Boozer on behalf of the applicant requested that this matter be postponed for not less than thirty days. Mr. Dick Lillie reported that he was in accord with this request.

Councilman Lebermann moved that the Council grant the request for postponement for thirty days. The motion, seconded by Councilman Friedman, carried by the following vote:

Ayes: Mayor Pro Tem Love, Councilmen Binder, Dryden, Friedman, Lebermann

Noes: None

Absent: Councilman Handcox, Mayor Butler

ZONING HEARINGS

At 10:00 A.M. Mayor Pro Tem Love opened the hearing scheduled for that time on the following zoning cases:

A.M. DE BERRY
By Pat M. De Berry
C14-73-177

4709 Red Bluff Road

From "A" Residential
To "C" Commercial
RECOMMENDED by the
Planning Commission

Councilman Dryden moved the Council grant the change from "A" Residence to "C" Commercial as recommended by the Planning Commission. The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Mayor Pro Tem Love, Councilmen Binder, Dryden, Friedman, Lebermann

Noes: None

Absent: Councilman Handcox, Mayor Butler

The Mayor Pro Tem announced that the change had been granted as recommended by the Planning Commission and the City Attorney was instructed to draw the necessary ordinance to cover.

FERREL C. STRONG
ET UX
By Michael Gilmore
C14-73-180

4214-4218 South First
Street

From "A" Residence
To "GR" General Retail
(as amended)
RECOMMENDED by the
Planning Commission as
amended

Councilman Lebermann moved the Council grant the change from "A" Residence to "GR" General Retail (as amended) as recommended by the Planning Commission. The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilmen Binder, Dryden, Friedman, Lebermann, Mayor Pro Tem Love

Noes: None

Absent: Councilman Handcox, Mayor Butler

The Mayor Pro Tem announced that the change (as amended) had been granted as recommended by the Planning Commission and the City Attorney was instructed to draw the necessary ordinance to cover.

EUGENE J. & IRENE A. JORDAN
By Chris Dux
C14-73-176

3808-3812 Manchaca Road

From "A" Residence
To "O" Office
RECOMMENDED by the
Planning Commission
subject to a 25' building setback from its west boundary and a 6' privacy fence along this same boundary line

Councilman Dryden moved the Council grant the change from "A" Residence to "O" office as recommended by the Planning Commission subject to a 25' building setback from its west boundary and a 6' privacy fence along this same boundary line. The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Councilmen Friedman, Lebermann, Mayor Pro Tem Love, Councilmen Binder, Dryden

Noes: None

Absent: Councilman Handcox, Mayor Butler

The Mayor Pro Tem announced that the change had been granted as recommended by the Planning Commission and the City Attorney was instructed to draw the necessary ordinance to cover.

JAGGER ASSOCIATES,
INC.
By Richard C. Baker
C14-73-181

1318-1512 Spyglass
Drive

From "BB" Residence
To "LR" Local Retail
RECOMMENDED by the
Planning Commission
subject to a site plan to
be approved by the Zoning
Committee and requiring
that the applicant sub-
mit a letter agreeing that
when he came into owner-
ship of the property
located across Barton
Skyway, he would submit
a restrictive covenant
limiting this property to
only residential use

Councilman Friedman moved the Council grant the change from "BB" Residence to "LR" Local Retail as recommended by the Planning Commission subject to a site plan to be approved by the Zoning Committee and requiring that the applicant submit a letter agreeing that when he came into ownership of the property located across Barton Skyway, he would submit a restrictive covenant limiting this property to only residential use. The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Councilman Lebermann, Mayor Pro Tem Love, Councilmen Binder,
Friedman

Noes: None

Not in Council Room when Roll was Called: Councilman Dryden

Absent: Councilman Handcox, Mayor Butler

The Mayor Pro Tem announced that the change had been granted as recommended by the Planning Commission and the City Attorney was instructed to draw the necessary ordinance to cover.

DAN COVERT &
JOHN JOSEPH
By Frank S. Niendorff
C14-73-188

8002-8034 North
Interstate 35
703-713 Wonsley
Drive

From "C" Commercial 6th
Height & Area & "A" Residence
1st Height & Area to
"C" Commercial 2nd Height &
Area
RECOMMENDED by the Planning
Commission subject to a
subdivision to identify the
property and dedicate 15' of
right of way on Wonsley
Drive to increase this street
to 60'

Mr. Frank Niendorff, representing the owner, stated that the owner did not wish to donate \$13,000 worth of land as recommended in the conditions for dedication of 15' of right-of-way. Mr. Dick Lillie pointed out that the right-of-way would be required, not just for the zoning, but for any development of the land. City Attorney Don Butler explained that if this item were approved, the final ordinance would not come back before the Council until such time as the right-of-way was given. In response, Mr. Niendorff asked that the request for change be withdrawn.

Councilman Dryden moved the zoning change from "C" Commercial 6th Height and Area and "A" Residence 1st Height and Area to "C" Commercial 2nd Height and Area subject to a subdivision to identify the property and dedicating 15' of right-of-way on Wonsley Drive to increase this street to 60' be withdrawn. The motion, seconded by Councilman Friedman, carried by the following vote:

Ayes: Councilman Lebermann, Mayor Pro Tem Love, Councilmen Binder, Dryden, Friedman

Noes: None

Absent: Councilman Handcox, Mayor Butler

COUNCILMAN HANDCOX ENTERS

Councilman Handcox entered the Council Chamber at this time.

TED EVERETT JORDAN &
MARAGRET DOROUGH JORDAN
By Jon N. Wisser
C14-73-192

1005 East 40th Street

From "A" Residence to
"O" Office RECOMMENDED
by the Planning Commission subject to a 6' privacy fence where adjoining "A" on the west and south sides of the tract

Councilman Binder asked if the property would be too close to a residential neighborhood. Mr. Dick Lillie responded that the staff had been reluctant to recommend the zoning change as the adjacent property zoned "O" Office was being employed for apartment rather than office use, but they felt there was little choice because the other property fronting on 40th street was all zoned "O" Office. Mr. Jon Wisser, representing the owner, and Councilman Binder jointly examined the maps, discussing the use of the neighboring properties.

Councilman Dryden moved the Council grant the change from "A" Residence to "O" Office as recommended by the Planning Commission subject to a 6' privacy fence where adjoining "A" Residence on the west and south sides of the tract. The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Mayor Pro Tem Love, Councilmen Binder, Dryden, Friedman, Lebermann Handcox

Noes: None

Absent: Mayor Butler

The Mayor Pro Tem announced that the change had been granted as recommended by the Planning Commission and the City Attorney was instructed to draw the necessary ordinance to cover.

JAGGER PROPERTIES, INC.
By William J. Scudder
C14-73-185

Tract 1
5313-5411 Pleasant Valley
Road

Tract 2
5212-5218 Nuckols Crossing
Road

Tract 3
4905-5009 Stassney Lane

Tract 4
5312-5410 Pleasant Valley
Road

From Interim "A" Residence
1st Height & Area
To Tracts 1, 2, & 4 "LR"

Local Retail 1st Height &
Area

Tract 3: "BB" Residence
1st Height & Area
RECOMMENDED by the Planning
Commission subject to a
subdivision to identify
these properties and pro-
vide for necessary streets;
a 6' privacy fence and a
15' building setback line
for Tr. 4 where abutting
"A" Residence; one 40' curb
cut onto Village Lane;
recommend approval of re-
quest by applicant for use
of deferring zoning & sign
notification for Trs. 1, 2,
& 3

In response to Councilman Friedman's question, Mr. Bill Carson, representing the applicant, stated they had agreed to a 6' privacy fence and that the retail units to be built would be cluster units, clustered and oriented away from the residential area. Mr. Carson discussed with Councilmen Friedman and Binder the uses to which these units would be put.

Councilman Handcox moved the Council grant the change from Interim "A" Residence 1st Height and Area to Tracts 1, 2 & 4: "LR" Local Retail 1st Height and Area, Tract 3: "BB" Residence 1st Height and Area as recommended by the Planning Commission subject to a subdivision to identify these properties and provide for necessary streets; a 6' privacy fence and a 15' building setback line for Tr. 4 where abutting "A" Residence one 40' curb cut onto Village Lane; recommend approval of request by applicant for use of deferring zoning and sign notification for Trs. 1, 2 & 3. The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Councilmen Binder, Dryden, Friedman, Handcox, Lebermann,
Mayor Pro Tem Love

Noes: None

Absent: Mayor Butler

The Mayor Pro Tem announced that the change had been granted as recommended by the Planning Commission and the City Attorney was instructed to draw the necessary ordinance to cover.

RUTH BROCKMAN &
LENORA BROCKMAN
By Richard C. Baker
C14-73-182

2106-2110 West Anderson
Lane and the south corner
of Sales Street and North
Plains

From "A" Residence to
"GR" General Retail
RECOMMENDED by the
Planning Commission
save and except the
northern 45' to be zoned
"B" Residence subject to
a 6' privacy fence where
adjoining any "A"
Residence; 5' of right of
way on Anderson Lane; a
subdivision to identify
this property and a re-
strictive covenant deny-
ing access to North
Plains and Sales Street

Mr. Lillie noted that his staff had recommended 80' to be zoned "B" Residence rather than the 45' recommended by the Planning Commission. Mr. Davis, representing the applicant, stated that the case had come up before and been withdrawn, but there had been no opposition from anyone in the neighborhood at that time. He and Councilman Binder discussed how far the "GR" General Retail zoning would be extending into a residential neighborhood. He and Councilman Friedman discussed the use that would be made of the area zoned "B" Residence.

Councilman Dryden moved the Council grant the change from "A" Residence to "GR" General Retail as recommended by the Planning Commission save and except the northern 45' to be zoned "B" Residence, subject to a 6' privacy fence where adjoining any "A" Residence; 5' of right-of-way on Anderson Lane; a subdivision to identify this property and a restrictive covenant denying access to North Plains and Sales Street. The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Councilmen Dryden, Handcox, Lebermann, Mayor Pro Tem Love
Noes: Councilmen Friedman, Binder
Absent: Mayor Butler

The Mayor Pro Tem announced that the change had been granted as recommended by the Planning Commission and the City Attorney was instructed to draw the necessary ordinance to cover.

A.C. BRYANT, INC.
By Tom Curtis
C14-73-183

Rear of 2711 Exposition
Boulevard (locally
known as 2719 on bldg.)

From "C" Commercial to
"C-2" Commercial (for a
limited area)
RECOMMENDED by the
Planning Commission
for a limited area

Mr. Sam Kimberland, President of the Casis Parent Teachers Association, expressed opposition in its behalf. This application was listed in the Casis Shopping Center where there were a number of nice stores. The traffic was heavily congested particularly during the hours when school let out and the children darted across the street in and out among the cars. It was the feeling of the PTA that this C-2 would permit consumption of alcoholic beverages on the premises in this shopping center and was not compatible with the area. He had petitions signed by over 100 people living in the area requesting that the Council keep the existing C zoning in effect at the Casis Shopping Center and not change it to the C-2 Commercial which would permit consumption of alcohol beverages on the premises. The other petition was signed by parents of Dill School children who were unalterably opposed to this change to C-2 Commercial in connection with this application.

Planning Director Dick Lillie stated that the staff's recommendation was to deny the C-2 Commercial because of its adjacency to the school. The commission felt that beer and wine were being sold in the shopping center and that they did not object to the C-2 Commercial. A week ago, the Council on the recommendation of the Planning Commission amended the zoning ordinance that now permitted C-1 Commercial for a package store and C-2 Commercial zoning for a lounge. If the Council wanted to limit the use to a package store, it could grant the C-1 Commercial or uphold the recommendation of the Commission to grant the C-2 Commercial. Mr. Tom Curtis was willing to have the zone C-1 Commercial and asked postponement until there were six members. Mr. Woodrow Sledge, representing the Austin Independent School District, spoke in strong opposition to the change of zoning. He asked if the C-1 Commercial was applicable in a stabilized area across the street from the school. He said the schools were trying to establish a stabilized zoning situation and that once established the burden of proof to escalate the zoning should be upon the applicant. Escalation of zoning would affect the traffic, increase the noise, and negate the safety factors. They felt this zoning was inappropriate particularly back in the area adjacent to a children's shoe store. The shopping center was built after the school was there.

Mr. Lillie explained to Mr. Kimberland that the C-2 Commercial application which had been recommended by the Commission would permit the sale of liquor for off-site consumption and the sale of liquor for on-site consumption or for a package store, lounge, tavern, bar or night club as it presently was recommended. Mr. Tom Curtis had amended their application to C-1 Commercial since prior to their filing; C-2 Commercial was all that was available for a package store. Mr. Kimberland wanted an opportunity to be heard either before the Council or, perhaps more appropriately, the Planning Commission on a C-1 Commercial application. Mr. Curtis stated definitely their application was for a package store which at that time fell under C-2 Commercial. A package store could now come within C-1 Commercial. Most of the concern had been over a lounge. As to Mr. Kimberland's concern about on-premise consumption, Mr. Curtis stated they were not asking for on-premise consumption. As to the added traffic, he stated the same amount of traffic would be generated as by any other retail use. A package store did not generate noise or pollution or additional traffic to what might normally be expected in a retail use.

Councilman Friedman suggested it might be possible for Mr. Curtis to postpone this for a week or two and go back and talk to the school people, particularly the PTA, and discuss the C-1 Commercial and C-2 Commercial and find out where the opposition lay against C-2 Commercial of just the package store, and that Mr. Sledge be invited to the meeting as a representative of the school district. Councilman Lebermann moved that this case be postponed to give the applicant and the opposition time to come together at the night meeting of October 18th at 7:00 P.M. at the Electric Building.

The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Councilmen Friedman, Handcox, Lebermann, Mayor Pro Tem Love,
Councilmen Binder, Dryden

Noes: None

Absent: Mayor Butler

LUMBERMEN'S
INVESTMENT CORP.
By Richard C. Baker
C14-73-193

6700-6914 Decker Lane
8200-8508 Decker Lake
Road (Loyola Lane)

From "A" Residence
to "GR" General
Retail
RECOMMENDED by the
Planning Commission
subject to a sub-
division to ident-
ify the tract and
provide for streets

Mr. Mark Hanna, of Lumbermen's, agreed to the placement of signs which Mr. Lillie requested be included as part of the motion.

Councilman Handcox moved the Council grant the change from "A" Residence to "GR" General Retail as recommended by the Planning Commission subject to a sub-division to identify the tract and provide for streets and subject to signs placed on the property. The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilmen Handcox, Lebermann, Mayor Pro Tem Love, Councilmen
Binder, Dryden, Friedman

Noes: None

Absent: Mayor Butler

The Mayor Pro Tem announced that the change had been granted as recommended by the Planning Commission with signs and the City Attorney was instructed to draw the necessary ordinance to cover.

LUMBERMEN'S
INVESTMENT CORP.
By Richard C. Baker
C14-73-194

6502-6702 Decker Lake
Road (Loyola Lane)
also bounded by Morris
Lane and the T.N.O.
Railroad

From Interim "A" Residence
1st Height & Area
To "LR" Local Retail
1st Height & Area (as
amended)

RECOMMENDED by the Plan-
ning Commission as amended
subject to a 25' building
setback and a 6' privacy
fence on the northern
boundary line; a sub-
division and 1/2 the
right-of-way (10') to in-
crease Morris Lane from
70 to 90 feet

Councilman Handcox moved the Council grant the change from Interim "A" Residence 1st Height and Area to "LR" Local Retail 1st Height and Area (as amended) as recommended by the Planning Commission as amended subject to a 25' building setback and a 6' privacy fence on the northern boundary line; a subdivision and 1/2 the right-of-way (10') to increase Morris Lane from 70 to 90 feet, and subject to signs placed on the property. The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Councilman Lebermann, Mayor Pro Tem Love, Councilmen Binder,
Dryden, Friedman, Handcox

Noes: None

Absent: Mayor Butler

The Mayor Pro Tem announced that the change had been granted as recommended by the Planning Commission with signs and the City Attorney was instructed to draw the necessary ordinance to cover.

JAGGER ASSOCIATES,
INC.

By John Browning
C14-73-012

Spyglass Drive and
Barton Skyway

From Interim "A" Residence
1st Height and Area

To A Planned Unit
Development - 121
single-family dwelling
Units called "Timber-
line Townhouses"

RECOMMENDED by the
Planning Commission

Councilman Handcox moved the Council grant the change from Interim "A" Residence 1st Height and Area to a planned unit development - 121 single family dwelling Units called "Timberline Townhouses" as recommended by the Planning Commission. The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Mayor Pro Tem Love, Councilmen Binder, Dryden, Friedman,
Handcox, Lebermann

Noes: None

Absent: Mayor Butler

The Mayor Pro Tem announced that the change had been granted as recommended by the Planning Commission and the City Attorney was instructed to draw the necessary ordinance to cover.

EMILE JAMAIL
By Roger S. Hanks
C14-73-37(L)

A 3.4 acre tract of land
210 and rear of 212-306
Barton Springs Road
(also fronts on South
First St.)

Existing Zoning:
"L" Lake; "C-2"
Commercial and "D"
Industrial
RECOMMENDED by the
Planning Commission
approval of a six
story office building,
subject to depart-
mental requirements
as on file with
Planning Department,
and authorize the
Chairman to sign the
necessary resolution
upon completion.

In response to the question of Mr. Roger Hanks, representing the applicant, City Manager Davidson stated that the applicant would be required to provide a sand trap as requested by the Environmental Council for the water runoff before going into Town Lake as it would pertain to the property under his control in connection with this application but he would not be required to handle the run-off from abutting property.

Councilman Handcox moved the Council maintain existing zoning "L" Lake, "C-2" Commercial and "D" Industrial and grant approval of a six story office building, as recommended by the Planning Commission subject to departmental requirements as on file with Planning Department, and authorize the Chairman to sign the necessary resolution upon completion, plus the requirement of a sand trap and planting of trees. The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Mayor Pro Tem Love, Councilmen Binder, Dryden, Friedman,
Handcox, Lebermann

Noes: None

Absent: Mayor Butler

The Mayor Pro Tem announced that the request had been approved as recommended by the Planning Commission with a sand trap and trees and the City Attorney was instructed to draw the necessary ordinance to cover.

JAMES A. CRIST
C14-73-179

5506-5514 South Congress
Avenue

From Interim "A" Residence
1st Height & Area
To "C-2" Commercial
1st Height & Area
NOT Recommended by the
Planning Commission
RECOMMENDED by the
Planning Commission
"C-2" Commercial on a
limited area of the build-
ing and that the remainder
of the property be zoned
"C" Commercial 1st Height
and Area subject to field
notes to identify the
limited area and a sub-
division

Councilman Handcox moved the Council grant the change as recommended by the Planning Commission from Interim "A" Residence 1st Height and Area to "C-2" Commercial on a limited area of the building and that the remainder of the property be zoned "C" Commercial 1st Height and Area subject to field notes to identify the limited area and a subdivision. The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilmen Binder, Dryden, Friedman, Handcox, Lebermann
Mayor Pro Tem Love
Noes: None
Absent: Mayor Butler

The Mayor Pro Tem announced that the change had been granted as recommended by the Planning Commission and the City Attorney was instructed to draw the necessary ordinance to cover.

GEORGE W. WILHITE, JR. &
GEORGE W. WILHITE, SR.
By Burrell D. Johnston
C14-73-186

1101 Justin Lane at
Reese Drive

From "A" Residence to
"LR" Local Retail
NOT Recommended by the
Planning Commission

Councilman Dryden moved the Council uphold the recommendation of the Planning Commission to deny change from "A" Residence to "LR" Local Retail. The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Councilmen Friedman, Handcox, Lebermann, Mayor Pro Tem Love
Councilmen Binder, Dryden
Noes: None
Absent: Mayor Butler

The Mayor Pro Tem announced that the change had been denied.

EASEMENTS RELEASED

Councilman Handcox moved the Council adopt a resolution authorizing release of the following easement:

Five (5.00) foot public utilities easement along the west line of Lot 52, Block F, COLONY PARK SECTION ONE PHASE TWO. (Applicant: Alvin G. Morris, owner)

The motion, seconded by Councilman Friedman, carried by the following vote:

Ayes: Councilmen Handcox, Lebermann, Mayor Pro Tem Love,
Councilmen Binder, Dryden, Friedman

Noes: None

Absent: Mayor Butler

Councilman Handcox moved the Council adopt a resolution authorizing release of the following easement:

Ten (10.00) foot by thirty (30.00) foot down-guy easement along the southwest line of Lot 4-A, Resub. of Lots 3 and 4, Block A, DELCREST ADDITION, SECTION 2. (Applicant: Ralph Harris, agent for the owner Lyndon Brymer)

The motion, seconded by Councilman Friedman, carried by the following vote:

Ayes: Councilmen Handcox, Lebermann, Mayor Pro Tem Love,
Councilmen Binder, Dryden, Friedman

Noes: None

Absent: Mayor Butler

Councilman Handcox moved the Council adopt a resolution authorizing release of the following easement:

The west forty-one (41.00) feet of the five (5.00) foot public utilities easement along the south line of Lot 11, Block B, WHITE PLAINS SECTION FIVE. (Applicant: Capitol Mortgage Bankers, Inc., as agent for the owner, Mr. Bobby J. Barnhart)

The motion, seconded by Councilman Friedman, carried by the following vote:

Ayes: Councilmen Handcox, Lebermann, Mayor Pro Tem Love,
Councilmen Binder, Dryden, Friedman

Noes: None

Absent: Mayor Butler

SPECIAL PERMIT

Councilman Friedman moved the Council adopt a resolution authorizing a special permit for use of the following:

Proposed encroachment of two (2) tree wells into the sidewalk area in front of the office building located at 115-117 East 5th Street. (Applicant: Joe Colbert, owner)

The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Councilman Lebermann, Mayor Pro Tem Love, Councilmen Binder, Dryden, Friedman, Handcox

Noes: None

Absent: Mayor Butler

CONDEMNATION OF EASEMENT

Councilman Friedman moved the Council adopt a resolution authorizing condemnation of the following easement:

Enclosed drainageway easement in, upon and across 1,033 square feet of land out of Lot 1, LAFAYETTE PLACE.

The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Mayor Pro Tem Love, Councilmen Binder, Dryden, Friedman, Handcox, Lebermann

Noes: None

Absent: Mayor Butler

CONTRACTS AWARDED

Councilman Dryden moved the Council adopt a resolution awarding the following contracts:

Generic Drug Bid #b-3-235, Brackenridge Hospital Pharmacy - Supply Agreement, approximately October 15, 1973 through September 30, 1974 - Total of all awards: \$212,118.35:

- | | |
|---|-------------|
| (1) SOUTHWESTERN DRUG CORP.
432 West Market Street
San Antonio, Texas | \$66,683.10 |
| (2) BRISTOL LABORATORIES
Thompson Road
Syracuse, New York | \$24,161.68 |

(3)	BEHRENS DRUG CORP. 5775 Airport Blvd. Austin, Texas	\$21,882.63
(4)	PARKE-DAVIS COMPANY 7777 Carpenter Freeway Dallas, Texas	\$19,099.40
(5)	E.R. SQUIBB & SONS 3101 Buffalo Speedway Houston, Texas	\$14,229.58
(6)	HYLAND LABORATORIES 3300 Hyland Avenue Costa Mesa, California	\$11,806.80
(7)	GENTEC HOSPITAL SUPPLY 2131 Theo Drive Austin, Texas	\$10,622.01
(8)	THE UPJOHN COMPANY 4114 N. Central Expressway Dallas, Texas	\$ 9,764.40
(9)	WINTHROP LABORATORIES 6627 Maple Avenue Dallas, Texas	\$ 8,832.80
(10)	J.B. ROERIG COMPANY 502 Fountain Parkway Grande Prairie, Texas	\$ 7,800.00
(11)	WYETH LABORATORIES 8717 Directors Row Dallas, Texas	\$ 6,560.40
(12)	LEDERLE LABORATORIES/ CYANAMID COMPANY Pearl River, New York	\$ 5,672.32
(13)	CUTTER LABORATORIES 8610 Directors Row Dallas, Texas	\$ 5,003.20

The motion, seconded by Councilman Lebermann, carried by the following
vote:

Ayes: Councilmen Binder, Dryden, Friedman, Handcox, Lebermann
Mayor Pro Tem Love

Noes: None

Absent: Mayor Butler

Councilman Dryden moved the Council adopt a resolution awarding the following contract:

DU PONT INSTRUMENTS
Wilmington, Delaware

Purchase of DuPont Auto-
Clinical Analyzer for Bracken-
ridge Hospital - \$70,597.55

The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Councilmen Binder, Dryden, Friedman, Handcox, Lebermann
Mayor Pro Tem Love
Noes: None
Absent: Mayor Butler

Councilman Dryden moved the Council adopt a resolution awarding the following contract:

AUSTIN ROAD COMPANY
Austin, Texas

Jimmy Clay Golf Course Access
Road and Parking Lot Improvements
(Finalization of Abandoned
Contract - Austin Paving Company)
\$43,265.10

The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Councilmen Binder, Dryden, Friedman, Handcox, Lebermann,
Mayor Pro Tem Love
Noes: None
Absent: Mayor Butler

There was discussion among the Council and Mr. Al Eldridge, Director of Construction Engineering, concerning the previous contractor's inability to complete the job for the bid submitted and how much this contractor had been paid by the City.

AUSTIN REHABILITATION CENTER-PROBATION SERVICES PROJECT DISCUSSED

Mr. Gil Ortiz, Director of the Austin Rehabilitation Center, discussed alcohol-related offenses and the Probation Services Project of the Austin Rehabilitation Center. He expressed his concern regarding the number of alcohol-related fatalities and arrests. He noted that the Austin Rehabilitation Center Probation Services had been in existence for 3 years and had received over 1,000 referrals the past year as a mandatory provision of probations by the courts. He stated that a request for funds had previously been denied by the Council on the grounds that the previous year there was an emergency fund to keep the project going and that probation services was a function of the County.

He stated that it was his understanding in discussions with Mr. Homer Reed that there would be financial involvement of all available agencies and some commitments had been obtained from various agencies. He stated that they were dealing with people in the City jail and asked the Council to reconsider their decision of one month earlier and grant the request. City Manager Davidson noted that the previous request for emergency funding was only for that period of time until other funding could be lined up, including a request to be made to Travis County. Mr. Reed stated that Mr. Giles Garman, Adult Probation Officer, felt that the County could fund the project after the first year because probation was a County Department in effect. Mr. Ortiz reiterated that they were being referred people from the City jail, and City Manager Davidson again commented that it was a County function. Mr. Ortiz wanted to change the name of the program to ARC Court Services and noted that the County would not act on their request until about November 1. He and City Manager Davidson discussed Mr. Ortiz returning with their request, which was for January 1, 1974, to December 31, 1975, after budget decisions were made by the County in November. Councilman Dryden commented that this course of action would be appropriate.

In response to Councilmen Dryden's and Binder's questions, Mr. Ortiz stated that he was requesting \$41,506.30 from the County and the same amount from the City for a total of about \$82,000. In response to Councilman Dryden's questions, he noted the size of the staff, functions of the program, and nearly 100% attendance at meetings. Mayor Pro Tem Love summarized that Mr. Ortiz and his associates would take their request to the County commissioners and then perhaps return to the Council if they were in dire circumstances.

ITEM NOT TAKEN UP

The item of Mr. Willard J. Lawrence requesting to appear before the City Council to discuss navigational control zones in Lake Austin was not taken up at this time, as Mr. Lawrence was not present.

ITEM POSTPONED

The Council postponed at this time the item of Mr. Bruce Lane, and others, requesting to appear before the City Council to present a street celebration plan for October 6 that would involve closing a portion of West 23rd Street, and also to present problems with marketing in that area.

REQUEST FOR BANNER

Councilman Lebermann moved the Council grant Ms. Peggy Van Holsteyn's, representing the 2nd Annual Texas Hot Air Balloon Fiesta to be held at Woodcreek Resort, Wimberly, Texas on October 20th and 21st, request for the placing of a banner at Congress Avenue and 11th Street, from October 8, 1973 to October 22, 1973.

The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Councilmen Binder, Dryden, Friedman, Handcox, Lebermann
Mayor Pro Tem Love

Noes: None

Absent: Mayor Butler

CLUB RACE DATES

Councilman Handcox moved the Council grant their approval of four club race dates plus Austin Aqua Festival in 1974 for the following dates, as requested by Mr. Danny Reed, President, Austin Boat Club, Inc.:

April 6th and 7th
May 4th and 5th
June 1st and 2nd
July 6th and 7th

August Aqua Festival -
dates to be announced

The motion, seconded by Councilman Friedman, carried by the following vote:

Ayes: Councilmen Dryden, Friedman, Handcox, Lebermann, Mayor Pro Tem Love,
Councilman Binder

Noes: None

Absent: Mayor Butler

PARADE PERMIT

Councilman Handcox moved the Council grant the request for a parade permit by Irvin P. Bell for Austin-Travis County Veterans Day on October 22, 1973 from 6:30 P.M. to 7:30 P.M. beginning at 2nd Street, up Congress Avenue to 11th Street.

The motion, seconded by Councilman Friedman, carried by the following vote:

Ayes: Councilmen Friedman, Handcox, Lebermann, Mayor Pro Tem Love
Councilmen Binder, Dryden

Noes: None

Absent: Mayor Butler

RAILROAD COMMISSION ORDER ON TEMPORARY GAS INCREASE

Mr. Dan J. Crowley requested that a representative of Southern Union Gas Company be allowed to appear before the City Council regarding the interlocutory order dated September 27, 1973. Mr. Dan Crowley, Vice President of Southern Union Gas Company, read a short statement announcing that Southern Union Gas Company planned to comply with the Railroad Commission's order of September 27, 1973, for several reasons. Its attitude was the same as the City Council's, the City of San Antonio and the L.C.R.A., all abhorring the increase of gas from 20.50 to 29.55 cents per mcf (million cubic feet) but realizing at this time there was no alternative but to comply with the order. The added revenue to LoVaca would enable them

to purchase additional gas for the Austin market, resulting in an advantage for this entire community. As distributors of natural gas to Austin residents, Mr. Crowley pointed out the necessity of protecting the 80,000 customers, of which 92% were residential customers. The other 8% were commercial, small industrial, public authority customers such as schools and government buildings, and in most cases all of those customers were in the human needs priority.

By the Railroad Commission order, Southern Union Gas Company's cost of gas would increase by 9.05 cents per mcf. Based on 1972 consumption, the average residential customer would use 90 mcf per year. This equaled to an increase per customer of \$8.10 per year, or \$.68 per month or about 2 1/4 cents per day. The percentage increase to the residential customers was 9 1/2%. Mr. Crowley stated the rate set on this interim order was subject to refund by LoVaca if the final rate set was lower than this interim rate. Their franchise ordinance contained the cost of gas adjustment clause which enabled Southern Union to pass this increased cost on to its customers to be applied to all bills rendered 30 days after the effective date. They were not asking a contract change or an amendment to their franchise ordinance; however, if would be in order and Mr. Crowley requested the Council to pass a motion to the effect that the Council did approve Southern Union Gas Company's compliance with the Railroad Commission's interim order in the best interests of all citizens in Austin.

In response to Mayor Pro Tem Love's inquiry, City Attorney Don Butler concurred with Mr. Crowley's position and stated that Southern Union Gas had cooperated with the City throughout the hearings and had taken a strong stand against any increase except just what might be necessary on some type of emergency basis. All of LoVaca's customers took the position at least for this coming winter that something had to be done in order to get a gas supply. Lone Star Gas Company was not going to agree to this increase; however, they were in a different position as they were a large company, three times larger than Southern Union and they received about 10% or less of their gas from LoVaca. Austin, San Antonio and the L.C.R.A. were totally dependent on LoVaca. Mr. Don Butler noted this was not a permanent order. He said they would wait to see what the results were going to be.

The City Attorney stated again there was a requirement that the parent company contribute \$2.5 million per month to acquire new gas through advance payments to producers for construction of facilities. Mr. Crowley stated the effective date of the order was September 27. Their franchise had to wait 30 days after the effective date so the customers in Austin would not feel the effect until in late October.

MOTION

Councilman Handcox moved the approval of the request that the Council did approve Southern Union's compliance with the Railroad Commission's interim order in the best interests of all citizens of Austin.

The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilmen Handcox, Lebermann, Mayor Pro Tem Love,
Councilmen Binder, Dryden, Friedman

Noes: None

Absent: Mayor Butler

PAY SCHEDULE ORDINANCES AMENDED

Mayor Pro Tem Love introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE NUMBERED 681114-A BY REVISING THE BASIC PAY SCHEDULE THEREOF; AMENDING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; AND DECLARING AN EMERGENCY.

Councilman Lebermann moved the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Councilman Lebermann, Mayor Pro Tem Love, Councilmen Binder
Dryden, Friedman, Handcox
Noes: None
Absent: Mayor Butler

The Mayor Pro Tem announced that the ordinance had been finally passed.

Mayor Pro Tem Love introduced the following ordinance:

AN ORDINANCE AMENDING PART 1 AND PART 2 OF ORDINANCE NO. 721005-G SO AS TO PROVIDE FOR AN INCREASE IN THE MONTHLY BASE SALARY OF CIVIL SERVICE EMPLOYEES SERVING IN CLASSIFIED POSITIONS IN THE POLICE AND FIRE DEPARTMENTS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; AND DECLARING AN EMERGENCY.

Councilman Lebermann moved the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Councilman Lebermann, Mayor Pro Tem Love, Councilmen Binder,
Dryden, Friedman, Handcox
Noes: None
Absent: Mayor Butler

The Mayor Pro Tem announced that the ordinance had been finally passed.

REVISING FEES AND ESTABLISHING FEES

Councilman Lebermann moved the Council adopt a resolution revising fees for the installation and removal of street banners.

The motion, seconded by Councilman Friedman, carried by the following vote:

Ayes: Mayor Pro Tem Love, Councilmen Binder, Friedman, Handcox, Lebermann
Noes: Councilman Dryden
Absent: Mayor Butler

Councilman Lebermann moved the Council adopt a resolution establishing fees and administrative procedures for temporary street closings.

The motion, seconded by Councilman Friedman, carried by the following vote:

Ayes: Mayor Pro Tem Love, Councilmen Binder, Friedman, Handcox,
Lebermann

Noes: Councilman Dryden

Absent: Mayor Butler

ZONING ORDINANCES

Mayor Pro Tem Love introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND CHANGING THE USE
MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967
AS FOLLOWS:

A 22.51 ACRE TRACT OF LAND, LOCALLY KNOWN AS 4501-4705 EAST
RIVERSIDE DRIVE, FROM "BB" RESIDENCE DISTRICT TO "GR" GENERAL
RETAIL DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS
COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF
ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

Councilman Lebermann moved the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Councilman Friedman, carried by the following vote:

Ayes: Mayor Pro Tem Love, Councilmen Binder, Dryden, Friedman,
Handcox, Lebermann

Noes: None

Absent: Mayor Butler

The Mayor Pro Tem announced that the ordinance had been finally passed.

Mayor Pro Tem Love introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND CHANGING THE USE
MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967
AS FOLLOWS:

(1) LOT A, RUTH C. SMITH ADDITION, LOCALLY KNOWN AS 3000-
3002 SOUTH FIRST STREET; 601-605 TERRELL HILL STREET,
FROM "A" RESIDENCE DISTRICT TO "LR" LOCAL RETAIL DISTRICT
AND,

(2) LOT 6, BLOCK 5, BROADACRES SUBDIVISION, LOCALLY KNOWN
AS 5408 JEFF DAVIS AVENUE; 1701-1705 HOUSTON STREET, FROM
"A" RESIDENCE DISTRICT TO "B" RESIDENCE DISTRICT;

ALL OF SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS;
SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE
SEPARATE DAYS; AND DECLARING AN EMERGENCY.

Councilman Lebermann moved the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Councilman Friedman, carried by the following vote:

Ayes: Mayor Pro Tem Love, Councilmen Binder, Dryden, Friedman
Handcox, Lebermann

Noes: None

Absent: Mayor Butler

The Mayor Pro Tem announced that the ordinance had been finally passed.

Mayor Pro Tem Love introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND HEIGHT AND AREA AND CHANGING THE USE AND HEIGHT AND AREA MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:
ONION CREEK FOREST, SECTIONS 1 AND 2, LOCALLY KNOWN AS 6700-7002 PLEASANT VALLEY ROAD, FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "MH" MOBILE HOME, FIRST HEIGHT AND AREA DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

Councilman Lebermann moved the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Councilman Friedman, carried by the following vote:

Ayes: Mayor Pro Tem Love, Councilmen Binder, Dryden, Friedman
Handcox, Lebermann

Noes: None

Absent: Mayor Butler

The Mayor Pro Tem announced that the ordinance had been finally passed.

Mayor Pro Tem Love introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND HEIGHT AND AREA AND CHANGING THE USE AND HEIGHT AND AREA MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:
TRACT 1: LOT 2, RESEARCH PLAZA, FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "C" COMMERCIAL, FIRST HEIGHT AND AREA DISTRICT; AND,
TRACT 2: A 1.75 ACRE TRACT OF LAND, FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "B" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT; AND,
TRACT 3: A 3.16 ACRE TRACT OF LAND, FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "BB" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT; LOCALLY KNOWN AS 8153-8213 RESEARCH BOULEVARD; THE REAR OF 8153-8213 RESEARCH BOULEVARD; ALL OF SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; AND DECLARING AN EMERGENCY.

Councilman Lebermann moved the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilmen Binder, Dryden, Friedman, Handcox, Lebermann
Mayor Pro Tem Love
Noes: None
Absent: Mayor Butler

The Mayor Pro Tem announced that the ordinance had been finally passed.

REFUND CONTRACTS

Mayor Pro Tem Love brought up the following ordinance:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO
CERTAIN REFUND CONTRACTS WITH WOOD SHADOWS APARTMENTS, LTD.
AND JESS WEBB AND BILLY C. DAVIS.

The ordinance was read the first time and Councilman Handcox moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Councilmen Dryden, Handcox, Lebermann, Mayor Pro Tem Love
Noes: Councilmen Friedman, Binder
Absent: Mayor Butler

The ordinance was read the second time and Councilman Handcox moved that the ordinance be passed to its third reading. The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Councilmen Dryden, Handcox, Lebermann, Mayor Pro Tem Love
Noes: Councilmen Friedman, Binder
Absent: Mayor Butler

Mayor Pro Tem Love brought up the following ordinance for its first reading:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO CERTAIN
REFUND CONTRACTS WITH NORWAL, INCORPORATED.

The ordinance was read the first time and Councilman Dryden moved that the ordinance be passed to its second reading. The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Councilmen Handcox, Lebermann, Mayor Pro Tem Love, Councilman Dryden,
Noes: Councilmen Friedman, Binder,
Absent: Mayor Butler

PUBLIC HEARING SET

Councilman Friedman moved the Council set a public hearing for October 18, 1973, at the Electric Auditorium, 7:00 P.M., on the Proposed Door Lock Ordinance.

The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Councilmen Handcox, Lebermann, Mayor Pro Tem Love
Councilmen Binder, Dryden, Friedman

Noes: None

Absent: Mayor Butler

ITEM POSTPONED

The Council postponed for one week the discussion of extending the night working hours of the Associate Municipal Court Judges.

CITY MANAGER REPORT ON NIGHT TIME RECREATIONAL LIGHTING

City Manager Davidson reported that Parks and Recreation Department League officials had been notified that night lighting could be used for competitive League play but not for practice games. Five sites were employing lights. He elaborated on the number of games scheduled per week for the football and softball leagues. In response to Mayor Pro Tem Love's question, he estimated total participation in the softball leagues in Austin at 5,000 and in the football program at 1,500 to 2,000.

REQUEST TO MOVE COUNCIL MEETINGS

Councilman Lebermann requested that the Council instruct the City Manager to prepare a report on moving City Council meetings from City Hall to a more adequate Chamber, giving special consideration to parking, and on alternate use of the City Hall Chamber Room. City Manager Davidson responded that the report could be ready by October 18. Mayor Pro Tem Love commented on the Electric Building Auditorium.

ADJOURNMENT

The Council then adjourned.

APPROVED: 

Mayor

ATTEST: 

City Clerk